

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ichinose et al.
Appl. No.: 10/569,009
Conf. No.: 1746
Filed: February 21, 2006
Title: INFORMATION RECORDING PROCESSING DEVICE, INFORMATION
REPRODUCTION PROCESSING DEVICE, INFORMATION RECORDING
MEDIUM AND METHOD, AND COMPUTER PROGRAM.
Art Unit: 2627
Examiner: Unknown
Docket No.: 112857-531

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Sir:

Submitted herewith is an Information Disclosure Statement for consideration in the above-identified application. In accordance with the provisions of 37 C.F.R. 1.56, 37 C.F.R. 1.97, and 37 C.F.R. 1.98, Applicants request that a citation and examination of the references cited on the enclosed PTO-1449 form be made during the course of examination of the above-identified application for United States patent. Pursuant to 37 C.F.R. 1.98, copies of any cited foreign patent documents and non-patent documents are enclosed.

This Information Disclosure Statement is submitted:

- ☒ [X] Within three months of filing of a national application; within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; before the mailing date of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a Request for Continued Examination.
- ☐ [] After the period specified above, but before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application and is accompanied by one of:
 - ☐ [] Payment of the fee set forth in 37 CFR 1.17(p); or
 - ☐ [] The certification specified in 37 CFR 1.97(e) follows.
- ☐ [] After the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application and is accompanied by the fee set forth in 37 CFR 1.17(p) and the certification specified in 37 CFR 1.97(e) follows.

- ☐ The undersigned counsel for applicant(s) hereby certifies each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The undersigned counsel for applicant(s) hereby certifies that no item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
- ☒ A copy of a Search Report from a corresponding foreign patent application is enclosed.
- ☐ A check in the amount of \$180 to cover the required fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge the amount of \$180 to cover the required fee to Deposit Account No. 02-1818.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1818.

Enclosed herewith is a copy of a search report associated with corresponding Japanese patent application, No. 2003-319591. The search report issued on September 5, 2006, where references cited therein are submitted and identified in this Information Disclosure Statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Thomas C. Basso

Reg. No. 46,541

Customer No. 29175

Dated: December 18, 2006

The submitted reference was prepared by a foreign Patent Office, and is directed to a foreign counterpart application to the present US Patent Application. Consistent with Applicant's duty of disclosure under 37 CFR 1.56, Applicant recognizes that the Examiner may consider it relevant when making a patentability determination. However, this submission should not be misconstrued as an admission by the Applicant that the reference is either relevant or not relevant to patentability, especially since the reference was prepared by a foreign Patent Office that is governed by a different body of law than the USPTO.

Nevertheless, in the interest of full disclosure and good faith, Applicant submits the reference for consideration by the Examiner, and requests that the Examiner initial the attached Form PTO 1449, indicating the Examiner has considered this reference.

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Notification of Reasons for Refusal

Patent application number	2003 – 319591	
Drafting date	August 28, 2006	
Examiner	Matsuhira Suguru	3146 5Q00
Representative of the applicant	Miyata Masaaki (two partners)	
Applicable articles	Article 29 paragraph 2	

This application should be refused according to the following reasons. If any arguments on these reasons for refusal exist, please file an argument within 60 days from the sending date of this notification.

Reasons

(Reason 1)

Because the invention relating to the following claims in this application, is an invention could easily have been made, prior to the filing of the patent application, by a person with common knowledge in the art to which the invention pertains, on the basis of an invention described in the following publications distributed in Japan prior to the filling of the patent application, or on the basis of an invention which could be utilized by the publics through the telecommunication lines, the right to the patent shall not be granted in accordance with the provision of the article 29, paragraph 2 of the Patent Law.

Note (please refer to the list of references for the cited references)

(Reason 1)

- Claims: 1, 2, 5 ~ 9, 11 , 12 , 15 ~ 19 , 22 ~ 26, 28 ~ 30,
- Cited references: 1 ~ 3
- Note:

For the invention relating to claims 1, 5, 8, 11, 15, 18, 22, 28, and 29, an invention has been described in paragraph [0017], paragraph [0032] ~ [0035], paragraph [0045] ~ [0047], paragraph [0050] ~ [0064], paragraph [0071], and [Figure 1] ~ [Figure 12] of cited reference 1 on that EFM modulation is performed for the recorded data, and DSV ("data character" in claims of this application) in the special data area recording special data (corresponding to "additional data" in claims of this application) such as the data for protecting the data security (especially please refer to paragraph [0017]) is judged, as well as the set of connection bit (corresponding to "configuration bit of a data-changeable data part" in claims of this application) is controlled corresponding to the bit value of additional data and the data character of additional data.

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For the invention relating to claims 2, 9, 12, 19, 25, 26, and 30, an invention of recording system information of data encryption as user control data (especially please refer to paragraph [0072] and paragraph [0075]) has been described in paragraph [0068] ~ paragraph [0078], [Figure 14], [Figure 15], and cited reference 2.

It has no particular difficulty to apply the invention described in cited reference 2 to the invention described in cited reference 1 and to record the additional data described in cited reference 1 as user control data.

For the invention relating to claims 6, 7, 16, 17, 23, 24, as the well known modulation method in disc, RLL (1 – 7) modulation which transforms 2 bit data word to 3 bit code word has been described in "(1) (1 – 7) modulation method", page 83 ~ page 84 of cited reference 3.

It is a design choice which could be realized easily by a person skilled in the art to apply the invention described in cited reference 1 into the well known modulation method described in cited reference 3.

For the inventions relating to claims except the claims indicated in this notification, no reasons for refusal are found at the present moment. New reasons for refusal will be notified as soon as they are found.

List of cited references

1. Kokai (unexamined patent publication) No.2003 – 45128
2. Kokai (unexamined patent publication) No.2003 – 6997
3. "Next Generation Optical Disc Technology", edited by Planning Division, TRICEPS Company, Page 83 – 84, February 1, 1997

Record of the result of the previous technique references searched

• Searched Field

IPC Edition 7 G11B20/18

G11B20/10

G11B20/14

This record of the result of the previous technique references searched is not the reason for the refusal.

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If there are any inquiries about the content of this notification of reasons for refusal, or an interview wanted for this application, please contact with the following.

Matsuhira Suguru, Information Storage, Fourth Patent Examination Department.

TEL. 03 – 3581 – 1101 ext. 3590

FAX. 03 – 3580 – 6906

Directorate/Deputy Primary Examiner/Deputy Examiner Assistant Examiner

 Watanabe Satoshi Matsuhira Suguru

 8622 3146

拒絶理由通知書

特許出願の番号	特願 2003-319591
起案日	平成 18 年 8 月 28 日
特許庁審査官	松平 英 3146 5000
特許出願人代理人	宮田 正昭（外 2 名） 様
適用条文	第 29 条第 2 項

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から 60 日以内に意見書を提出して下さい。

理 由

（理由 1）

この出願の下記の請求項に係る発明は、その出願前に日本国内において、頒布された下記の記事に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基づいて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第 29 条第 2 項の規定により特許を受けることができない。

記 （引用文献等については引用文献等一覧参照）

（理由 1）

・請求項 : 1、2、5～9、11、12、15～19、22～26、28～30
 ・引用文献 : 1～3
 ・備考
 請求項 1、5、8、11、15、18、22、28、29に係る発明について、引用文献 1 の【0017】段、【0032】段～【0035】段、【0045】段～【0047】段、【0050】段～【0064】段、【0071】段、【図 1】～【図 12】には、記録データに対して EFM 変調を行い、データのセキュリティを保つためのデータ（特に、【0017】段を参照）といった特殊データ（本願請求項における「付加データ」に相当）を記録する特殊データ領域における DSV（本願請求項における「データ特性」）を判別し、付加データのビット値と、付加データのデータ特性に応じて、接続ビット（本願請求項における「データ変更可能なデータ部の構成ビット」に相当）の設定を制御する旨の発明が記載されている。

請求項 2、9、12、19、25、26、30に係る発明について、引用文献 2 の【0068】段～【0078】段、【図 14】、【図 15】には、データの暗号化に関するシステム情報をユーザーコントロールデータとして記録する旨（

特に、【００７２】段、【００７５】段を参照）の発明が記載されている。

引用文献１に記載された発明に、引用文献２に記載された発明を適用し、引用文献１に記載された付加データを、ユーザーコントロールデータとして記録することに、格別の困難性はない。

請求項６、７、１６、１７、２３、２４に係る発明について、引用文献３の第８３頁～第８４頁にかけて、「（１）（１－７）変調方式」の項には、ディスクで著名な変調方式として、２ビットのデータ語を３ビットのコード語に変換するＲＬＬ（１－７）変調が記載されている。

引用文献１に記載された発明を、引用文献３に記載された著名な変調方式に適用することは、当業者ならば容易になし得る設計変更である。

この拒絶理由通知書中で指摘した請求項以外の請求項に係る発明については、現時点では、拒絶の理由を発見しない。拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

引用文献等一覧

1. 特開２００３－４５１２８号公報
2. 特開２００３－６９９７号公報
3. トリケップス企画部編、「次世代光ディスク技術」、株式会社トリケップス、１９９７．０２．０１、p. ８３～８４

先行技術文献調査結果の記録

・ 調査した分野

IPC第７版 G 1 1 B 2 0 / 1 8
G 1 1 B 2 0 / 1 0
G 1 1 B 2 0 / 1 4

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

P. 3

この拒絶理由通知書についての問い合わせがあるとき、または、この出願について面接を希望されるときは、以下までご連絡ください。

連絡先 特許審査第四部情報記録 松平 英
(電話) ０３－３５８１－１１０１ 内線 ３５９０
(FAX) ０３－３５８０－６９０６

部長／代理	審査長／代理	審査官	審査官補
	渡邊 聡	松平 英	
	8 6 2 2	3 1 4 6	

LIST FOR IDS

SONY REF.				US SERIAL NO.		IDS TIMING	
S04P1256US00				0		OA (JP)	
CORRESPONDING JAPANESE PATENT APPLICATION						[HQ-CASE]	
JP		2003 - 319591		OA issued on: 2006/9/5			
PATENT DOCUMENT(S)						ENGLISH EQUIVALENT	
1	JPA		2003 - 045128	(JPA	2003 045128)	
2	JPA		2003 - 006997	(JPA	2003 006997)	
3)	
4)	
5)	
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8)	
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10)	
11)	
12)	
13)	
14)	
15)	
NON-PATENT DOCUMENT(S)						ENGLISH	
1	DOCUMENT						
2							
3							
4							
5							
6							